

**CREEKVIEW COMMONS HOMEOWNERS ASSOCIATION
ELECTION, NOMINATION & CAMPAIGN RULE**

A. Nomination of Candidates for the Board of Directors.

- 1) Candidates for the Board must meet the following qualifications:
 - (a) The person is a Member on the date of his or her nomination;
 - (b) The Member is current in payment of regular, special and reimbursement assessments or current in performance of a written payment plan. A Member who is not current in payment of assessments may request Internal Dispute Resolution regarding the delinquency prior to the close of nominations.
 - (c) The Member's election will not result in two members owning a single Lot serving at the same time (regardless of the number of Lots owned); and
 - (d) The Board is not aware that Member has been convicted of any felony that could affect the Association's ability to obtain and maintain fidelity bonds.
- 2) The Board will appoint a nominating committee at least 90 days prior any election of directors. The Nominating Committee will consist of at least 2 members. In the event a Nominating Committee is not appointed, the Board will act as the Nominating Committee.
- 3) At least 30 days before the deadline for nominations to the Board of Directors, the Association will distribute by General Notice the procedures and deadline for making nominations.
- 4) The Nominating Committee will:
 - (a) publish to the members an announcement that candidates are being sought for the Board and designate a person that people can contact to express their interest in running or to suggest other candidates;
 - (b) obtain names of potential candidates and contact such persons to determine their interest in running;
 - (c) use their best efforts assure there are at least as many candidates as there are board seats to be filled, and
 - (d) compile a candidate registration list of all persons desiring to run for the Board, whether the persons are qualified or the reason the nominee is not qualified to be a candidate.
- 5) Any person meeting the qualifications stated in A(1) may nominate himself or herself to run for the Board. A person may nominate himself or herself by contacting the designated contact person for the Nominating Committee. Any person meeting the qualifications stated in A(1) may be nominated from the floor at any meeting held prior to the close of nominations.
- 6) The Board will confirm that all the people on the nominating committee's list meet the qualifications stated in A(1).
- 7) After election, Directors must continue to meet the qualifications for candidates set forth above and any other qualifications for Directors set forth in the Governing Documents or law.

B. Campaigns.

- 1) All candidates for the Board and any members advocating a point of view on a voting measure will be given equal access to Association media (newsletters, mailers, web sites, etc.), if any exist, during the campaign for purposes reasonably related to the election. The Association is not obligated to do any mailing or newsletter specifically for a campaign or election. If the Association will have Association media for a campaign, the Association will provide Members with the deadlines for submitting statements by General

Delivery. Candidates and members advocating a point of view may send correspondences to members at their own cost in addition to or in lieu of any Association mailings.

2) The association will not edit, redact or censor any content from communications of a candidate or of a member advocating a position. However, the association will include the following statement (or one substantially similar) on or attached to all campaign statements and correspondences included in Association media: "The candidate or member submitting this communication is solely responsible for the content, language, and factual accuracy of the communication. The Association does not edit, censor or alter any statements or correspondence submitted by a member for campaign purposes. The Association does not endorse any candidates or any particular point of view."

3) The Association will provide each candidate or member advocating a position equal time to address the Members at the annual meeting and any meetings held for campaign purposes prior thereto.

4) No Association funds will be used for campaign purposes during any election of the Board. No Association funds will be used for campaign purposes in other elections, except as necessary to meet the Association's legal obligations (such as providing neutral information on the subject matter being voted upon). "Campaign purposes" does not include the cost of drafting, printing or mailing proxies, ballots, neutral voting materials or mailing statements provided by candidates; the cost of hiring of election inspectors; or the costs incurred in holding a meeting at which voting is conducted.

C. Elections

1) There is one vote per Lot. Polls open when ballots are distributed and close on the deadline for return of ballots. Ballots may be cast by a member or a person holding a valid recorded power of attorney for the member.

2) The Board will appoint 1 neutral third person to act as the inspector of the election (the "Inspector") by majority vote of the Board at an open Board meeting no less than 90 days before the date of the annual meeting or time of any vote. The Inspector may be (a) a volunteer Member but not a Board member, a candidate for the Board, or other person related to or affiliated with a Board member, or a candidate; (b) a volunteer poll worker with the County registrar of voters; (c) a notary public; (d) a California licensed Certified Public Accountant (excluding the Association's regular accountant); or (e) a company or person providing election inspector services. The Inspector may not be the Association manager or any other person employed by or under contract with the Association for services other than for solely election inspector services.

The Inspector may appoint additional persons (who meet the qualifications for inspectors) to assist with verification of signatures and counting and tabulating of ballots.

3) The Inspector will do all of the following:

- (a) determine the number of memberships entitled to vote and the voting power of each;
- (b) deliver, or cause to be delivered, to all Members ballots, 2 envelopes, and a copy of this Election Rule at least 30 days prior to the date of the election meeting. When Members will be voting on amendment of the Governing Documents, a copy of the proposed amendment will be provided with the ballots.
- (c) determine the authenticity, validity and effect of any proxies;
- (d) receive ballots;

- (e) hear and determine all challenges and questions in any way arising out of or in connection with the right to vote;
 - (f) determine when the polls close;
 - (g) determine if the required quorum is present in person or by proxy;
 - (h) count and tabulate the ballots; and
 - (i) perform any other acts necessary to conduct a fair election in accordance with California law and governing documents.
- 4) At least 30 days prior to distribution of ballots, the Association will compile a Voter List containing the name, voting power, property address, mailing address, and email (if provided to the Association) of all persons to receive ballots. Each Member may verify his or her information on the Voter List by contacting the Association manager.
- 5) The Association will provide by general notice, at least 30 days before ballots are distributed, the following:
- (a) The date and time by which, and the address to which ballots must be returned and whether ballots must be returned by mail or may be handed to the Inspector at the election meeting;
 - (b) The date, time and location at which ballots will be opened and tabulated;
 - (c) The list of all candidates names that will appear on the ballot; and
 - (d) Notice to Members of how the Member may verify their name and contact information on the Voter List.
- 6) Voting for election or recall of directors, on assessment increases when required by the Governing Documents or by law, on the granting of exclusive use of common area, or on amendment of the Declaration of Conditions, Covenants and Restrictions, Bylaws or Articles of Incorporation must be conducted by secret written ballot. Secret ballots will not contain any information identifying the voting member, including name, lot number or address, and will be cast under the procedures set forth in this rule. Voting on other matters may be conducted without the secret ballot process herein. Cumulative voting shall be provided for on all ballots for election of directors only if a Member has given written notice to the Board (through the Manager) of their intent to cumulate votes before ballots are distributed. (Corporations Code § 7615.)
- 7) Directors will be elected at or within 45 days after the annual meeting of Members. Voting on other matters may be conducted at a meeting of the members or by mail-in ballot without a membership meeting; provided, however, if secret ballots are required under section 6 the mail-in ballots will be opened and tabulated at a noticed open meeting of the Board or Members.
- 8) When voting will be conducted by secret written ballot, polls open when ballots are mailed and close at the time stated in the ballot.
- (a) Completed ballots will be mailed or delivered to the Inspector or a person designated by the Inspector and will remain in the exclusive possession of the Inspector or person designated by the Inspector until polls have closed and all ballots have been counted and tabulated.
 - (b) Ballots will be mailed to members with two envelopes as illustrated below. Completed ballots will be sealed in an envelope marked only with the word "Ballot". The sealed envelope containing the ballot will be sealed inside the second envelope. The second envelope will contain the name, address, lot number and signature of the member in the upper left corner and be addressed to the

Inspector or person designated by the Inspector. Members owning more than one lot will complete one ballot for each lot owned.

Written ballot mailings:

Envelope 2	
<p>Envelope 1</p> <div style="border: 1px solid black; width: 100%; height: 100%; text-align: center; padding: 20px;"><p>BALLOT</p></div> <p>Insert only completed ballot into this envelope</p>	<div style="border: 1px solid black; padding: 5px;"><p>Voter's Name Stamp Voter's Address City, State Zip <u>Voter's signature</u> Lot # _____</p><p style="text-align: center;">Inspector or his/her designee Address City, State Zip</p></div> <p>Insert Envelope 1 into this envelope, sign the envelope, and write in the lot number being voted.</p>

(c) At any time, the Association may ask the Inspector how many ballots have been received (but not from whom ballots have been received) so the Association may determine if members need to be reminded to vote.

9) The Inspector or a person designated by the Inspector will verify that the person casting a ballot is entitled to vote and has not previously voted by proxy. If the outer envelope has not been signed, the ballot may not be counted.

10) All ballots will only be opened, counted and tabulated by the Inspector at a noticed open meeting of the Board or Members. The Inspector may appoint volunteers to assist him or her with opening and counting the ballots. Any Member may witness the counting and tabulation of votes, but will not interrupt or interfere with the Inspector.

11) A quorum for member actions is 51% of the voting power of the Association (37 lots). If a meeting is adjourned because a quorum is not present, the quorum requirement for the rescheduled meeting is reduced to 33¹/₃ % of the voting power of the Association (24 lots), except for voting on assessment increases and special assessments where quorum remains a majority of the voting power. When voting is conducted by written ballot, each returned ballot is considered a member present for quorum purposes. If insufficient ballots are returned by the deadline to meet quorum, the ballot deadline may be extended just as a meeting may be adjourned and the lower quorum requirements of the Bylaws apply (except for voting on assessment increases and special assessments where quorum remains a majority of the voting power).

12) The Board will notify the Members by General Delivery of the election results within 15 days after the meeting at which the vote was counted and tabulated.

13) Any challenges to the election process or the counting or tabulation of votes must be brought within 12 months after the date of tabulation and counting of the votes. Challenges may be made by serving the Inspector and the Association with a written notice stating the member's claims regarding the election. If there is a challenge to the election, the Inspector will make the ballots and exterior envelopes, available for inspection or recount by a member or a member's representative. The parties will make a good faith effort to

resolve any challenge (which is not resolved by recounting and re-tabulating the ballots) by informal dispute resolution under the Association' internal dispute resolution policy.

14) The Voter List, Candidate Registration List, ballots, outer envelopes, and proxies will constitute the "Election Materials". The Inspector will maintain the Election Materials for 1 year or conclusion of any election challenge, whichever is later, and then turn them over to the Association. The Association will retain Election Materials as Association Records for a period of at least 3 years.

15) Members may inspect the Election Materials upon written request stating a reason related to their interest as a Member. The addresses of any Member who has opted-out of inclusion on the Membership list will be redacted from the Voter List prior to another Member's inspection. A Member may copy the Voter List (as redacted), Candidate Registration List, ballots, and proxies. Members may not copy the outer envelopes.

16) Members may vote by proxy by requesting a proxy from the Association manager within 15 days after the distribution of the notice of nomination procedures and Inspector information.

17) The Election Rule will not be amended within 90 days before an election.

D. Election by Acclamation:

If, after all Members have been provided notice that nominees are sought and a nomination period of at least 30 days, there are only as many or fewer candidates for the Board of Directors as there are Board seats open for election, the candidates may be elected by acclamation without the balloting process, by the act of the Board at an open Board meeting.

The undersigned is the Secretary of the Association and hereby certifies that this Rule has been adopted by a vote of at least a majority of Directors at a noticed open Board meeting on June 26, 2020. This election rule supersedes and replaces all prior election rules.


Secretary